

## Department of Permitting & Inspections

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### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** August 17, 2021  
**RE:** ZSP-21-3; 3131 North Avenue, 3135 North Avenue, 93 Elbow Street, 95 Elbow Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL-W                      Ward: 7N

Applicant/Owner: Doug Henson / 2751 North Miami Avenue LLC

**Request:** Sketch plan review for the demolition of two single family residences and replacement with two new duplexes on 93 & 95 Elbow Street, and new single family residences on 3131 & 3135 North Avenue. Project includes adjusting a lot line between 93 & 95 Elbow Street.

#### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 10 (Subdivision Review)

#### **Background Information:**

The applicant has requested sketch plan review for development involving 4 adjacent parcels. Single family residences are proposed on 3131 & 3135 North Avenue, and duplexes are proposed on 93 & 95 Elbow Street, replacing single family homes on each lot. Additionally, a lot line adjustment will be sought for the shared property line of 93 & 95 Elbow Street.

Previous zoning actions for this property are noted below.

#### **3131 North Avenue**

No previous zoning permit actions.

#### **3135 North Avenue**

-  **Zoning Permit 91-434;** place fill onsite to even onsite grade, place 2 storage sheds. June 1991.
-  **Zoning Permit 94-491;** amend ZP91-434 to enlarge the size of one of the approved sheds. June 1994.
-  **Zoning Permit 96-337;** add a greenhouse on the side of existing storage/workshop building; relocate driveway. February 1996.
-  **Zoning Permit 98-014;** renew ZP94-491 and consolidate with ZP96-337 to construct an accessory structure. July 1997.

- ✚ **Zoning Permit 04-279**; interpretation of existing small lot. November 2003.

#### **93 Elbow Street**

- ✚ **Zoning Permit 99-159**; rear addition to single family residence. September 1998.
- ✚ **Zoning Permit 05-426CA**; lot line adjustment between 93 Elbow St, 3201 North Ave and 3205 North Ave. March 2005.

#### **95 Elbow Street**

- ✚ **Zoning Permit 05-431CA**; lot line adjustment between 93 Elbow St, 3201 North Ave and 3205 North Ave. March 2005.

**Recommendation:** Not applicable for Sketch Plan review.

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### ***Part 7: Enforcement***

##### **Section 2.7.8 Withhold Permit**

There are several permits associated with the properties that have never been closed out, and remain 'permit indeterminate'. The applicant will be tasked with closing these permits before being able to obtain any future certificates of occupancy for each associated property.

### **Article 3: Applications and Reviews**

#### ***Part 3, Impact Fees***

##### **Section 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.*

Impact fees will be calculated based on the total gross square footage of each new principal use / additional gross square footage per replacement building. Based on the plans submitted, initial impact fee estimates cannot be made. When zoning permits are submitted, and full plans presented, staff will be able to calculate impact fees.

#### ***Part 5, Conditional Use & Major Impact Review:***

##### **Section 3.5.2 Applicability**

###### **(a) Conditional Use Review**

*Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:*

- 1. any use identified under Article 4 and Appendix A – Use Table as a “Conditional Use” or “CU;”*
- 2. any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3.*

A duplex use in the RL-W zone is a conditional. Single family residences are permitted.

##### **Section 3.5.6 Review Criteria**

###### **(a) Conditional Use Review Standards**

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

*1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

Replacing two single family residences with duplexes, and constructing two new single family residences on vacant properties will have no appreciable impacts on existing or planned public utilities, services, or facilities. It is understood that development in this area of North Ave (including Elbow St) is on individual or shared septic systems, not City sewer. The area does appear to have city water service. The proposed development of each lot will be required to obtain a state wastewater permit.

*2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within the Waterfront Residential Low Density zone. This is a residentially developed area consisting of single and two-family dwelling unit structures. Single and two-family development is consistent with the intent of the zoning district.

*3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

Similar to other residential development in this area, the overall proposal(s) is not expected to generate nuisance impacts from noise, odor, dust, and the like.

*4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

The subject area is somewhat isolated from the rest of the City. North Ave turns into a dirt road here, and there are no public transit options. The bike path travels through the area and can provide another travel option for those who wish to not use personal vehicles all the time. With the loss of 2 single family homes, and a total of 6 new units, the net increase in dwelling units is 4 – which is not substantial considering the size of the area, and the potential for more development.

*5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. The applicant is encouraged to consider renewable energy options in the proposal.

*6. Any standards set forth in existing City bylaws and city and state ordinances;*

As per usual, the proposal will be subject to city and state ordinances, and required to obtain the necessary permits prior to construction.

***(b) Major Impact Review Standards***

Not applicable.

***(c) Conditions of Approval:***

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:*

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

None of the proposed residential structures are anticipated to create a level of noise, glare, etc. that will exceed that of similar, nearby uses.

2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal.

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

Future construction will be limited to the following hours: Monday-Friday 7:30 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,*

Any future enlargement or alteration beyond what is approved will be reviewed under the zoning regulations in effect at that time.

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Not applicable.

**Article 4: Maps & Districts**

**Section 4.4.5 Residential Districts**

**(a) 2.** *The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

Single family and duplex development is proposed.

**Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W<sup>2</sup>**

Use	Lot Frontage <sup>1</sup> (linear feet)		Lot Size (square feet)	
	RL,WRL	RM,WRM	RL, WRL <sup>3</sup>	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	

1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.
2. There are no minimum lot size or frontage requirements in the RH District.
3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.

While the frontages of 93 & 95 Elbow Street (private street) are less than 60 ft, both lots may exceed the 10,000 sf in size, meeting the minimum lot size required for duplex uses. Verification of these lot sizes need to be provided since city records suggest that after the lot line adjustment, both lots may actually be less than 10,000 sf. 3131 & 3135 North Ave both have 50 ft of frontage, and less than 6,000 sf of lot area. 3135 North Ave obtained approval for an ‘Interpretation of Existing Small Lot’ in 2003, which allowed for development of the lot at that time. No such interpretation was ever made for 3131 North Ave. As noted below in Sec. 5.2.1, there are conflicting lot size accounts. If it is found that 3131 & 3135 North Ave are less than 4,000 sf in size, they may not be buildable as individual lots.

**Table 4.4.5-2 Base Residential Density**

The RL-W has a base residential density requirement of 7 units/acre, which is essentially 6,222 sf of lot area required per dwelling unit. However, Table 4.4.5-1 above sets the base lot area at 6,000 sf for single family and 10,000 sf for duplex uses. Both 93 & 95 Elbow Street must have at least 10,000 sf of lot area in order to support duplexes. While the submitted plan notes at least 10,000 sf of lot area for both, City records indicate that these lots will be under 10,000 sf in size after the proposed lot line adjustment. 93 Elbow St is listed at 8,724 sf, and 95 Elbow is listed at 10,017 sf. It appears that the lot line adjustment will result in both lots being less than 10,000 sf.

3131 & 3135 North Ave are both under 6,000 sf in size. As noted above, 3135 North Ave obtained an ‘interpretation of existing small lot’ in 2003. However, this was issued under the prior zoning ordinance and a different zoning district that had no minimum lot size requirement. The CDO was adopted in 2008 and the zone changed to residential with a minimum lot size. Based on that, the lot needs to be at least 4,000 sf to be buildable today. No such interpretation has been made for 3131 North Ave. Per Sec. 5.2.1 below, 4,000 sf is the absolute minimum lot size for a buildable lot in this zone. Lots less than 4,000 sf in size simply cannot be developed. While the plan submitted indicates both of these lots as exceeding 4,000 sf, the 2002 survey that accompanied the 2003 ‘interpretation’ for 3135 North Ave shows both lots as being less than 4,000 sf feet. The applicant will need to provide documentation verifying lot sizes of all lots involved.

**Table 4.4.5-3: Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>				Max. Height <sup>1</sup>
		Front <sup>2</sup>	Side <sup>3</sup>	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent	Min: 25% of lot depth but in no event less than 20’	Min: 75’ feet from the ordinary high water mark of Lake Champlain and the	35-feet

**Table 4.4.5-3: Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>				Max. Height <sup>1</sup>
		Front <sup>2</sup>	Side <sup>3</sup>	Rear	Waterfront	
			lots on both sides <b>Max required:</b> 20-foot	<b>Max required:</b> 75-foot	Winooski River	
<b>93 Elbow Street</b>	34.8%	Insufficient information provided to determination setbacks	Lot width – 40 ft – side yard setback req'd – 4 ft	n/a	>75	No height info available
<b>95 Elbow Street</b>	31.2%	Insufficient information provided to determination setbacks	Lot width – 46 ft – side yard setback req'd – 4.6 ft	n/a	>75	No height info available
<b>3131 North Ave</b>	36.1%	Insufficient information provided to determination setbacks	Lot width – 50 ft – side yard setback req'd – 5 ft	n/a	n/a	No height info available
<b>3135 North Ave</b>	38.6%	Insufficient information provided to determination setbacks	Lot width – 50 ft – side yard setback req'd – 5 ft	n/a	n/a	No height info available

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet.
4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.
5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.

**Table 4.4.5-3: Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>				Max. Height <sup>1</sup>
		Front <sup>2</sup>	Side <sup>3</sup>	Rear	Waterfront	
<p>6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.</p> <p>7. For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.</p>						

The applicant will have to include with future zoning permit applications specific lot coverage calculations. Enclosed structures and driveways/parking areas are limited to 35%, and open features such as decks, walkways, terraces, patios, etc. can add up to 10% of additional coverage per lot.

3131 North Ave has two front yards – North Ave and Elbow Street. Based on the adjacent two properties to the south, a new home on this lot will have to push back closer to Elbow Street to comply with the average setbacks of the neighboring homes to the south (3127 & 3123 North Ave).

3135 North Ave has three front yards (North Ave, and Elbow Street along the north and west sides). The applicant has the ability to determine the setback off the north street frontage, but will have to base its other front yard setbacks on the average setbacks of the neighboring two lots to the south (3131 & 3127 North Ave). 3131 North Ave is currently vacant. The home on 3127 North Ave is situated closer to Elbow Street, rather than to North Ave – meaning the proposed home on 3135 North Ave will need to be pushed back closer to Elbow Street in order to comply with the average front yard setback of the neighboring home(s).

93 & 95 Elbow Street need to base their front yard setbacks off the average of the adjacent 4 properties (2 on either side). In this case, there are no adjacent properties to the south of 93 Elbow Street that share the same street frontage, so this setback will be determined by properties to the north. 93 Elbow Street must base its front yard setback off 95 & 97 Elbow Street. 95 Elbow Street must base its front yard setback off 97 & 99 Elbow Street. There is insufficient information to confirm front yard setbacks at this time. 93 & 95 Elbow Street both exceed the 75 ft waterfront setback requirement.

Based on conflicting lot dimension information between the submitted plan, a 2002 survey, and city records, the applicant will have to provide documentation that resolves such conflicts in order to determine setbacks, lot coverage, etc.

**(c) Permitted and Conditional Uses**

Single family detached dwellings are permitted uses in the RL-W zoning district, and duplexes are conditional.

**(d) District Specific Regulations**

1. *Setbacks*

There appear to be no setback encroachments proposed or sought.

2. *Lot Coverage*

Insufficient information provided. The RL-W limits lot coverage to 35% (enclosed structures and driveways/parking) plus 10% for open amenities. The submitted plan shows lot coverage to exceed 35% on two of the lots. While this is possible given the 10% bonus, the applicant will have to provide specific lot coverage calculations in order to make this determination.

3. *Accessory Residential Structures and Uses*

The plan does not appear to include accessory structures or uses.

4. *Residential Density*

The occupancy of dwelling units is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

5. *Uses*

Not applicable.

6. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

**Section 4.5.4 Natural Resource Protection Overlay (NR) District**

**(b) Areas Affected**

*This overlay district consists of all areas delineated on Map 4.5.4-1-Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts.*

1. *A **Riparian and Littoral Conservation Zone** which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:*

A. *Uplands within 250 feet of the Lake Champlain lakeshore (measured at 95.5 feet above mean sea level per National Geodetic Vertical Datum 1929) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the “Urban Waterfront” in the 2000 Open Space Protection Plan;*

93 & 95 Elbow Street are entirely within the Riparian and Littoral Conservation Zone, whereas only a small portion of 3131 & 3135 North Ave are in it.

**(c) District Specific Regulations: Riparian and Littoral Conservation Zone**

**3. Regulated Uses**

*Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.*

Single family uses are permitted in the RL-W zone, and duplexes are conditional. All development within the boundary of the Riparian and Littoral Conservation Zone is subject to the requirements and limitations of Subpart 4 below. Note that due to the boundary of this

conservation zone, development on 3131 & 3135 North Ave may actually be outside of the Riparian and Littoral Conservation Zone.

#### **4. Requirements**

1. *Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.*

*In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.*

*For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices established by Vermont Department of Environmental Conservation.). A low-mow zone shall be at least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone be required to extend more than 50 ft. wide as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage.*

*For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible;* Development on each lot cannot commence until EPSC and stormwater plans have been approved by the Stormwater Program Manager. 93 & 95 Elbow Street will be required to provide a low-mow zone in accordance with the requirements of this section.

Additionally, development can be no closer to the shoreline than existing development wherever reasonably possible. Based on existing development on 93 & 95 Elbow Street, the new duplex structures will locate closer to the shoreline than the existing but-to-be removed, structures. However, when looking at development on the adjacent properties to the north and south, the proposed duplex structures appear to maintain, more or less, an even setback to the shoreline. Further, the minimum 75 ft waterfront setback requirement will be met. Due to the location of the properties within the Littoral and Riparian Conservation Zone, the Conservation Board will review future applications and provide a recommendation to the DRB as to the development impacts on the shoreline and Lake Champlain.

2. *Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;*

Not applicable.

3. *Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,*

No such development is proposed. Not applicable.

4. *No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.* Erosion Prevention and Sediment Control (EPSC) plans will be required for development on each lot. These plans will need to be submitted to the Stormwater Engineering team for review and approval. Construction will not be able to commence without approved EPSCs.

## **Article 5: Citywide General Regulations**

### ***Sec. 5.2.1 Existing Small Lots***

*Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if such lot is not less than four thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet.*

*A permit for any such development shall require a certificate of appropriateness pursuant to the design review provisions of Article 3 and the development standards of Article 6.*

93 & 95 Elbow St both comply with the minimum 6,000 sf lot size requirement of the RL-W zone. As noted above, however, whether or not they comply with the 10,000 sf requirement for duplex use remains undetermined. 3131 and 3135 North Ave do not comply with the minimum lot size requirements. An ‘interpretation of existing small lot’ was approved in November, 2003 for 3135 North Ave, but as noted above, according to the 2002 survey it still doesn’t satisfy the minimum 4,000 sf lot size requirement to qualify as a developable lot per this Section. That survey shows 3135 North Ave as being 3,673 sf in size – the sketch plan review plan identifies this lot at 4,103 sf, whereas the Assessor’s Property Database identifies it as 3,864 sf. Clarification of the actual lot size needs to be provided as part of a future zoning permit application.

3131 North Ave is noted on the aforementioned survey as being 3,699 sf in size. The Assessor’s Property Database notes it at 4,053 sf, and the applicant’s plan notes it at 4,302 sf. If the property is actually less than 4,000 sf in size, then there is no possible way it can be developed as proposed per this Section. The lots (3131 & 3135 North Ave) could be combined into one lot that would meet the standard 6,000 sf minimum lot size of the zone and be developed with one single family residence. If the lot(s) prove to be 4,000 sf or more, then it could be developed as proposed, pending an affirmative determination of existing small lot. Prior to any zoning permit application submission, the applicant will need to provide the necessary documentation verifying the lot size.

### ***Sec. 5.2.3, Lot Coverage Requirements***

See Table 4.4.5-3 above.

### ***Sec. 5.2.4, Buildable Area Calculation***

Not applicable. No properties involved exceed 2 acres in size.

### ***Sec. 5.2.5, Setbacks***

See Table 4.4.5-3 above.

### ***Sec. 5.2.6, Building Height Limits***

See Table 4.4.5-3 above.

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Table 4.4.5-2 above.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion.

***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information has been provided. Details as to fixture types, placement, and illumination levels (photometric plan) on each future building will be required upon submittal of zoning permit applications.

***Sec. 5.5.3, Stormwater and Erosion Control***

No stormwater or erosion control details have been provided. Comprehensive stormwater management and erosion prevention and sediment control plans will be required upon submittal of zoning permit applications.

***Sec. 5.5.4, Tree Removal***

Any trees that need to be removed to accommodate future development will need to be identified on plans submitted with future zoning permits.

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

***Sec. 6.1.2, Review Standards***

*(a) Protection of important natural features*

Adjusting the shared lot line of 93 & 95 Elbow Street will have no impact to any natural features.

*(b) Block size and arrangement*

Not applicable.

*(c) Arrangement of Lots*

Both lots front on Elbow Street (private) and on the shoreline of Lake Champlain.

*Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.*

The adjusted lot line will be perpendicular to Elbow Street for its entire length.

*(d) Connectivity of streets within the city street grid*

Not applicable.

*(e) Connectivity of sidewalks, trails, and natural systems*

Not applicable.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

***(a) Protection of Important Natural Features:***

The properties involved are relatively flat. As noted above, they all lie within the Riparian & Littoral Conservation Zone. More specifically, 93 & 95 Elbow Street front on the Lake Champlain shoreline, where additional protection measures are required. See Article 4 above.

**(b) Topographical Alterations:**

No major topographical alterations appear to be needed for the proposal.

**(c) Protection of Important Public Views:**

There are no protected views from or through this site.

**(d) Protection of Important Cultural Resources:**

Not applicable.

**(e) Supporting the Use of Renewable Energy Resources:**

No part of the application will preclude future utilization of wind, geothermal, water or other renewable sources of energy. The plans do not include any reference to renewable energy resources to be used. The applicant should take this into consideration and provide additional information if it is to be included.

**(f) Brownfield Sites:**

This site is not listed on the Vermont DEC list of identified Brownfields.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

Erosion Prevention and Sediment Control plans, as well as a stormwater plans, will be required on a property-by-property basis to satisfy the requirements of Chapter 26 of Burlington Code of Ordinances. Written approval from the City Stormwater program will be a requirement of the zoning permit.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

According to the site plan submitted, there appears to be ample room for snow storage on each property. There is insufficient detail provided pertaining to building entrances. Entrances should be covered to protect from the elements.

**(h) Building Location and Orientation:**

More information is needed. It appears that the single family residences on 3131 & 3135 North Ave are situated closer to the North Ave than the 2 neighboring structures to the south. Front yard setback requirements may require that the homes be pushed back further (see Table 4.4.5-3 above). The single family residences appear to have ground level garages (2 doors). In accordance with this section, the driveways in front of the garage must be at least 25 ft deep (measured from the front property line). As depicted, they do not appear to meet this requirement. Also, the plan does not indicate whether or not the proposed homes have their primary entrances facing North Ave, which is also a requirement of this section.

The Elbow Street duplexes do not appear to have street facing entrances. However, this requirement does not apply since Elbow Street is private. Based on the layout of the two duplexes, ground level parking access is off the shared driveway and does not face the street.

**(i) Vehicular Access:**

3131 & 3135 North Ave will have direct access off North Ave. 93 & 95 Elbow Street will share a driveway off Elbow Street, which spans the shared property line. Driveway widths are limited to 18 ft. The driveways serving 3131 & 3135 North Ave cannot exceed 18 ft in width, as well as the portion of shared driveway within the front yard setback of 93 & 95 Elbow Street.

**(j) Pedestrian Access:**

Direct, internal pedestrian access to from parking spaces appear to be clear per the plan submitted. This neighborhood has no sidewalks, which renders new walkways between the future buildings and sidewalk moot.

**(k) Accessibility for the Handicapped:**

Single and two-family residences do not trigger ADA requirements. However, the building inspector has jurisdiction over ADA requirements and will make that call as part of building permit review.

**(l) Parking and Circulation:**

3131 & 3135 North Ave will have direct access onto North Ave, with 2 parking spaces at the ground level of the future homes. The duplexes proposed on 93 & 95 Elbow Street will utilize a shared driveway off Elbow Street, with 4 parking spaces shown on the ground level of each duplex. The shared driveway between the duplexes on must be at least 23 ft wide.

**(m) Landscaping and Fences:**

The plans do not indicate any new landscaping and must at the time of zoning permit application submittal. Fencing should also be included if proposed.

**(n) Public Plazas and Open Space:**

Not applicable.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

Insufficient detail provided. Future zoning permits must include fixture locations on elevation drawings, and manufacturer spec sheets for all fixtures. Compliance with the lighting standards of Sec. 5.5.4 CDO will be required.

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

Insufficient detail to provide a response. All zoning permit application plans must include mechanical equipment details, trash/recycling details, utility details, etc. There appears to be ample room for snow storage.

***Part 3: Architectural Design Standards***

***Sec. 6.3.2 Review Standards***

Insufficient detail provided. The applicant shall include with all future zoning permit applications site and building plans, building elevations, a material list, and manufacturer's spec sheets for all materials/light fixtures.

**Article 8: Parking**

***Table. 8.1.8-1, Minimum Off-Street Parking Requirements***

The properties are in the Neighborhood Parking District, where 2 spaces per dwelling unit are required for both single and two-family residences. The site plan indicates ground level parking, 2 for each single family residence and 4 for each duplex.

***Sec. 8.2.4, Bicycle Parking Requirements***

Not applicable. Bicycle parking requirements for residential uses apply to 'multi unit' developments. 3 units or more are categorized as multi family. Duplexes and single family residences are not.

**Article 10: Subdivision Review**

***Sec. 10.1.5, Lot Line Adjustments***

The proposal includes adjusting the shared property line between 93 & 95 Elbow Street. The applicant will have to include a lot line adjustment plan, subject to the subdivision recording requirements of Article 10. One such requirement is that the lot line adjustment be recorded with the City within 180 days of approval.

**II. Conditions of Approval**

Not applicable for sketch plan.